



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, DC 20555 - 0001**

September 14, 2006

Tyco Safety Products Westminster
Fire Detection SBU Quality
ATTN: Larry G. Starnes
50 Technology Drive
Westminster, MA 01441

Dear Mr. Starnes:

This is in reference to our recent electronic mails and your facsimile request dated September 11, 2006, for information concerning the licensing of a smoke measuring device for the exclusive use in Tyco's laboratory.

Exemptions from licensing requirements are based primarily on a determination by the Nuclear Regulatory Commission (NRC) that the products or types of uses will not constitute an unreasonable risk to public health and safety and the usefulness of the product will be beneficial to the public at large. Pursuant to 10 CFR 30.20, persons who receive, possess, use, transfer, own, or acquire byproduct material, such as smoke detectors containing americium-241, are exempt from the requirements for a license and from the regulations in Parts 20, 30 through 36, and 39, provided the products are designed to protect life or property from fires and airborne hazards and have been initially transferred or distributed in accordance with a license issued pursuant to 10 CFR 32.26. Once a detector has been initially distributed by a specifically licensed person, there are no licensing controls or restrictions placed on consumers of the product.

However, the smoke measuring device as described by Tyco does not meet the NRC licensing criteria for exempt distribution. The product you intend to use exclusively at your laboratory facility in Massachusetts to measure smoke is not intended for use by the general public nor is it designed to protect life or property from fires and airborne hazards, therefore it does not come under the provisions of NRC regulations pursuant to 10 CFR 32.26 and does not require an NRC exempt distribution license. As mentioned to you in my electronic mail dated September 7, 2006, the State of Massachusetts should be consulted on their requirements for the possession of the smoke measuring device containing about 4 uCi of americium-241.

I trust that this information addresses your concerns. If you have any additional questions, please feel free to contact me at (301) 415-6140.

Sincerely,
/RA/
Anthony S. Kirkwood
Materials Safety and Inspection Branch
Division of Industrial and
Medical Nuclear Safety
Office of Nuclear Material Safety
and Safeguards

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